

Statement of FY2008 advance appropriations under section 401 of H. Con. Res. 376, reflecting action completed as of June 23, 2006

[In millions of dollars]

| Budget Authority                                          |         |
|-----------------------------------------------------------|---------|
| Appropriate Level .....                                   | 23,565  |
| Current Level:                                            |         |
| Elk Hills .....                                           | 0       |
| Corporation for Public Broadcasting .....                 | 0       |
| Employment and Training Administration .....              | 0       |
| Education for the Disadvantaged .....                     | 0       |
| School Improvement .....                                  | 0       |
| Children and Family Services (Head Start) .....           | 0       |
| Special Education .....                                   | 0       |
| Vocational and Adult Education .....                      | 0       |
| Transportation (highways, transit, Farley Building) ..... | 0       |
| Payment to Postal Service .....                           | 0       |
| Section 8 Renewals .....                                  | 0       |
| Total .....                                               | 0       |
| Current Level over (+) / under (–)                        |         |
| Appropriate Level .....                                   | –23,565 |

Statement of nondefense reserve fund for emergencies under section 501 of H. Con. Res. 376, discretionary budget authority for FY2007, reflecting action completed as of June 23, 2006

[In millions of dollars]

| Budget Authority                   |        |
|------------------------------------|--------|
| Appropriate Level .....            | 6,450  |
| Current Level .....                | 0      |
| Current Level over (+) / under (–) |        |
| Appropriate Level .....            | –6,450 |

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, June 28, 2006.

Hon. JIM NUSSLE,  
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2007 budget and is current through June 23, 2006. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 376, the Concurrent Resolution on the Budget for Fiscal Year 2007, as approved by the House of Representatives. Although the House and the Senate have not reached agreement on a concurrent budget resolution for 2007, H. Con. Res. 376 has the force and effect in the House for all purposes of the Congressional Budget Act of 1974 as though adopted by the Congress pursuant to House Resolution 818.

Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of the report). This is my first report for fiscal year 2007.

Sincerely,

DONALD B. MARRON,  
Acting Director.

Enclosure.

FISCAL YEAR 2007 HOUSE CURRENT LEVEL REPORT AS  
OF JUNE 23, 2006  
[In Millions of Dollars]

| Budget Authority                           | Outlays | Revenues  |
|--------------------------------------------|---------|-----------|
| Enacted in previous sessions: <sup>1</sup> |         |           |
| Revenues .....                             | n.a.    | n.a.      |
|                                            |         | 1,819,599 |

FISCAL YEAR 2007 HOUSE CURRENT LEVEL REPORT AS  
OF JUNE 23, 2006—Continued

[In Millions of Dollars]

| Budget Authority                                                                                                                                                                                 | Outlays   | Revenues  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|
| Permanents and other spending legislation ...                                                                                                                                                    | 1,355,241 | 1,303,587 |
| Appropriation legislation .....                                                                                                                                                                  | 0         | 409,185   |
| Offsetting receipts .....                                                                                                                                                                        | –549,710  | –549,710  |
| Total, enacted in previous sessions: .....                                                                                                                                                       | 805,531   | 1,163,062 |
| Enacted this session:                                                                                                                                                                            |           |           |
| An act to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes (P.L. 109–204) ..... | –1,000    | –520      |
| Native American Technical Corrections Act of 2006 (P.L. 109–221) .....                                                                                                                           | 11        | 11        |
| Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109–222) .....                                                                                                                      | 0         | 0         |
| Heroes Earned Retirement Opportunities Act (P.L. 109–227) .....                                                                                                                                  | 0         | 0         |
| Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (P.L. 109–233) ..                                                                                                             | –3        | –3        |
| Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109–234) <sup>2</sup>                                                        | 0         | 388       |
| Broadcast Decency Enforcement Act of 2005 (P.L. 109–235) .....                                                                                                                                   | 0         | 0         |
| Mine Improvement and New Emergency Response Act of 2006 (P.L. 109–236) .....                                                                                                                     | 1         | 0         |
| Total, enacted this session: .....                                                                                                                                                               | –991      | –124      |
| Entitlements and mandates:                                                                                                                                                                       |           |           |
| Budget resolution estimates of appropriated entitlements and other mandatory programs not yet enacted .....                                                                                      | 572,421   | 549,453   |
| Total Current Level <sup>2,3</sup> .....                                                                                                                                                         | 1,376,961 | 1,712,391 |
| Total Budget Resolution .....                                                                                                                                                                    | 2,283,029 | 2,325,998 |
| Current Level Over Budget Resolution .....                                                                                                                                                       | n.a.      | n.a.      |
| Current Level Under Budget Resolution .....                                                                                                                                                      | 906,068   | 613,607   |
| Memorandum:                                                                                                                                                                                      |           |           |
| Revenues, 2007–2011:                                                                                                                                                                             |           |           |
| House Current Level                                                                                                                                                                              | n.a.      | n.a.      |
| House Budget Resolution .....                                                                                                                                                                    | n.a.      | n.a.      |
| Current Level Over Budget Resolution .....                                                                                                                                                       | n.a.      | n.a.      |
| Current Level Under Budget Resolution .....                                                                                                                                                      | n.a.      | n.a.      |

1. The effects of the Deficit Reduction Act of 2005 (P.L. 109–171) and the Federal Deposit Insurance Reform Conforming Amendments Act of 2005 (P.L. 109–173) are included in this section of the table, consistent with the budget resolution assumptions.

2. Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level totals exclude \$48 million in budget authority and \$39,461 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109–234).

3. Excludes administrative expenses of the Social Security Administration, which are off-budget.

Source: Congressional Budget Office.

Notes: n.a. = not applicable; P.L. = Public Law.

PRIVATE SECTOR MANDATE  
ANALYSIS FOR H.R. 4761

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. POMBO) is recognized for 5 minutes.

Mr. POMBO. Mr. Speaker, I am filing in the House a copy of the private sector mandate analysis for H.R. 4761, the Deep Ocean Energy Resources Act of 2006. This analysis was not included in the cost estimate prepared

for the Committee on Resources' report on the bill.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, June 28, 2006.

Hon. RICHARD W. POMBO,  
Chairman, Committee on Resources,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed estimate of the impacts of private-sector mandates in H.R. 4761, the Deep Ocean Energy Resources Act of 2006. CBO's analysis of the federal costs and intergovernmental impact of H.R. 4761 was transmitted on June 26, 2006.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Tyler Kruzich.

Sincerely,

DONALD B. MARRON,  
Acting Director.

H.R. 4761—Deep Ocean Energy Resources Act of  
2006

Summary: H.R. 4761 would make several changes to programs related to the development of federally-owned resources, particularly oil and natural gas production on the Outer Continental Shelf (OCS). The bill would impose new "conservation of resources" fees on oil and natural gas production on certain deep-water acreage, as well as on all deep-water acreage that is not in production. At the same time, the bill would make additional areas of the OCS available for lease for oil and natural gas production. It also would change some of the terms of existing leases to the benefit of the lessees.

CBO estimates that, if the bill were enacted, private entities would make additional payments to the government totaling about \$12.5 billion over the 2007–2016 period. It is unclear whether those payments would be the result of new mandates as defined in the Unfunded Reform Mandates Act (UMRA).

Private-sector mandates contained in the bill: H.R. 4761 would establish a set of "conservation of resources" fees for certain leaseholders. Section 6 would amend the Outer Continental Shelf Lands Act to require that the Department of the Interior issue regulations establishing a "conservation of resources" fee set at \$9 per barrel for oil and \$1.25 per million Btu for natural gas on production from certain leased acreage. This fee would effectively apply to certain deep-water leases entered into in 1998 and 1999 that provided royalty relief regardless of the market price of oil or gas. Those leaseholders could avoid the fee, though, if they request that the Secretary of the Interior renegotiate the royalty relief provisions of their original leases so that they would pay royalties on oil and gas production when prices exceed \$40.50 per barrel of oil and \$6.75 per million Btu of natural gas (both prices in 2006 dollars). The Department of the Interior also would be required to issue regulations establishing a "conservation of resources" fee on all acreage that is not in production for both new and existing leases. The bill would direct the Secretary to set that fee at no less than \$1 per acre and no more than \$4 per acre. Both fees would apply retroactively to volumes produced since October 1, 2005.

CBO estimates that leaseholders affected by the fee on wells currently in production would pay an additional \$11.4 billion over the next 10 years, assuming most leaseholders opt to pay royalties under a renegotiated lease instead of the proposed fee. The "conservation of resources" fee on leased acreage that is not in production would cost the private sector an estimated \$1.1 billion over the

next 10 years. These costs to the private sector are equal to the fees that would be collected by the federal government, as reported in CBO's federal cost estimate of H.R. 4761 released on June 26, 2006.

It is, however, unclear whether these fees are mandates as defined in UMRA. The fees would apply to existing deep-water leases that include a standard provision providing that they are subject to "all regulations issued pursuant to [the Outer Continental Shelf Lands Act] in the future which provide for the prevention of waste and conservation of the natural resources of the Outer Continental Shelf and the protection of correlative rights therein." Excluded from UMRA's definition of "federal private-sector mandate" are duties "arising from participation in a voluntary federal program." Therefore, CBO considers any requirements that are imposed pursuant to a voluntary contract with the federal government, such as a deep-water lease, not to be private-sector mandates. It is unclear whether the imposition of "conservation of resources" fees is so clearly contemplated by the existing lease agreements that it can be said to have been voluntarily accepted by the leaseholders and therefore is not a mandate under UMRA. If the fees do not constitute pre-existing duties under the leases, they would represent new enforceable duties imposed by H.R. 4761 and would be mandates under UMRA.

The bill contains other changes in the financial terms of oil and gas leases that would benefit the private sector. Under the bill, the Secretary of the Interior would offer some OCS areas for leasing that otherwise may not be leased over the next 10 years under current policies. Section 17 would direct the Secretary of the Interior to repurchase and cancel certain federal leases and to compensate the lessee for the amount that the lessee would receive in a restitution case for material breach of contract. Also, some terms of existing leases would be changed to the benefit of leaseholders.

Previous CBO estimate: CBO's analysis of the federal costs and intergovernmental impact of H.R. 4761 was transmitted on June 26, 2006.

Estimate Prepared by: Tyler Kruzich.

Estimate approved by: Joseph Kile, Assistant Director for Microeconomic Studies.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0025

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPITO) at 12 o'clock and 25 minutes a.m.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 895, SUPPORTING INTELLIGENCE AND LAW ENFORCEMENT PROGRAMS TO TRACK TERRORISTS AND TERRORIST FINANCES

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report

(Rept. No. 109-539) on the resolution (H. Res. 896) providing for consideration of the resolution (H. Res. 895) supporting intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate Congressional consultation and specifically condemning the disclosure and publication of classified information that impairs the international fight against terrorism and needlessly exposes Americans to the threat of further terror attacks by revealing a crucial method by which terrorists are traced through their finances, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4761, DEEP OCEAN ENERGY RESOURCES ACT OF 2006

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 109-540) on the resolution (H. Res. 897) providing for consideration of the bill (H.R. 4761) to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOLDEN (at the request of Ms. PELOSI) for today on account of floods in the district.

Mr. KANJORSKI (at the request of Ms. PELOSI) for today and the balance of the week on account of business in the district.

Mr. ORTIZ (at the request of Ms. PELOSI) for today until 5:00 p.m. on account of important business in the district.

Mr. POE (at the request of Mr. BOEHNER) for today on account of speaking to a convention of police officers in San Antonio, Texas.

Mr. GERLACH (at the request of Mr. BOEHNER) for today after 3:00 p.m. on account of flooding problems within the district.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DEFazio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Ms. MILLENDER-McDONALD, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. NUSSLE, for 5 minutes, today.

Mr. POMBO, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, June 29.

Mr. TIAHRT, for 5 minutes, June 30.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2650. An act to designate the Federal courthouse to be constructed in Greenville, South Carolina, as the "Carroll A. Campbell, Jr. Federal Courthouse"; to the Committee on Transportation and Infrastructure.

## ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5403. An act to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

## ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 27 minutes a.m.), the House adjourned until today, Thursday, June 29, 2006, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8327. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research Projects and Centers Program; Disability Rehabilitation Research Projects (DRRPs) received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8328. A letter from the Acting Legal Advisor to the Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule—Amdt. of Pt. 1, 21, 73, 74 & 101 of the Commission's Rules [WT Dkt. No. 03-66; RM-10586]; Pt. 1 of the Commission's Rules [WT Dkt. No. 03-67]; Amdt. of Pt. 21 & 74 [MM Dkt. No. 97-217]; Amdt. of Pt. 21 & 74 [WT Dkt. No. 02-68; RM-9718]; Promoting Efficient Use Of Spectrum Through Elimination of Barriers to the Dev. of Sec. Mkts. [WT Dkt. No. 00-230]; Rev. of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Serv. [IB Dkt. No. 02-365]; Amdt. of Pt. 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Serv.